

Mentor as...Caution Light

By Denise McGuire, Master

Tom Green was a brand new attorney. While he had worked on motions in the past, recently he had been assigned his first case to prosecute. The case had been set for a plea. However, unexpectedly after filling out the plea form, which included an admission of guilt, the defendant changed his mind and instead the case was set for trial.

Tom returned to the office with the change of plea form in hand and explained to his immediate supervisor what had happened. He showed him the change of plea form. For some reason, his immediate supervisor told him his case was stronger now because he could use the filled out plea form against the defendant at trial.

Tom dropped by my office for a quick chat and told me what had happened, and asked me a few general questions about preparing for the trial. He seemed unclear about the use of the plea bargain form.

Well aware that if this young man did offer the form into evidence, he would receive a scathing rebuke from the judge and most certainly a mistrial on the matter, I took out my Attorneys Directory and copied down a phone number.

I told him, "Tom, take this and don't ever lose it. It's the number to the State Bar. After you put that form into evidence, you need to call them immediately. They appreciate people who self-report ethical violations." Somewhat startled, he took the phone number and left.

Later he dropped by and thanked me for intervening. He told me it really woke him up. I don't know if he ever talked to his supervisor about what I had told him, but I do know he never ever will consider using any type of settlement discussions or documents against a defendant in the future.